



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,921	11/01/2001	Adeyinka Adedeji	08CN06024-2	3493

23413 7590 06/25/2003

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

EXAMINER

MULLIS, JEFFREY C

ART UNIT	PAPER NUMBER
1711	12

DATE MAILED: 06/25/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/682,921

Applicant(s)

ADEDEJI ET AL.

Examiner

Jeffrey C. Mullis

Art Unit

1711

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 16-46 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-21 and 26-46 is/are rejected.
- 7) ☒ Claim(s) 22-25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8, 11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit 1711

All previous rejections have been withdrawn.

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-14, 16-21 and 26-46 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hideki (JP 06-057008).

Hideki in Example 1 disclose a composition containing all of applicants' components except in that instead of an hydrogenated block copolymer and an unhydrogenated block copolymer 2 unhydrogenated block copolymers appear to be disclosed to be used. Note however that applicants' Abstract submitted on applicants' Information Disclosure Statement of January 13, 2003 discloses that component C is "and/or the hydrogenation product of the copolymer" and note also paragraph 25 of the electronic translation which discloses that the hydrogenated block copolymer for use in patentee's composition includes a specific hydrogenated styrene butadiene styrene block copolymer having 50% styrene.

Art Unit 1711

It would have been obvious to a practitioner having ordinary skill in the art at the time of the invention to use the hydrogenated styrene butadiene styrene block copolymer of patentee in the Examples of patentee since patentee specifically discloses that the hydrogenated styrene butadiene styrene block copolymer containing 50% styrene may be used in their composition and in the expectation of adequate results absent any showing of surprising or unexpected results.

Claims 1-14 16-21 and 26-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hall (US 6,509,412).

Hall discloses a composition containing all of applicants' materials in applicants' amounts except in that the hydrogenated block copolymer contains only 33% styrene. Note "EXAMPLE" in column 8. However the hydrogenated block copolymer in general is disclosed to contain as much as 70% styrene. Note column 3 lines 32-45 in this regard.

It would have been obvious to a practitioner having ordinary skill in the art at the time of the invention to utilize hydrogenated block copolymers having between 40 and 70% styrene in the composition of Hall since Hall specifically discloses that such amounts of styrene may be utilized in the hydrogenated block copolymer and absent any showing of surprising or unexpected results.

Art Unit 1711

Claims 22-25 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The terminal disclaimer filed on 4-22-03 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 09/682,923 has been reviewed and is accepted. The terminal disclaimer has been recorded.

The terminal disclaimer filed on 4-22-03 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 09/682,926 has been reviewed and is accepted. The terminal disclaimer has been recorded.

This Office action is not being made FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Mullis whose telephone number is (703) 308-2820. The examiner can normally be reached on Monday-Friday from 9:30 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck, can be reached on (703) 308-2462. The fax phone number for this Group is before final (703) 872-9310 and after final (703) 8729311.

Serial No. 09/682,921

-5-

Art Unit 1711

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

J. Mullis:cdc

June 23, 2003

Jeffrey Mullis
Primary Examiner
Art Unit 1711

A handwritten signature in black ink, appearing to be 'JM', written over the printed name and title.